

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

VAUGHN HARRIS,

Plaintiff,

v.

DAVIDSON COUNTY SHERIFF, et al.

Defendants.

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**Civil No. 3:15-cv-0356
Judge Sharp**

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge (Docket No. 111), recommending that Defendants’ Motions to Dismiss be granted in part and denied in part.

Plaintiff filed his Amended Complaint on June 18, 2015. (Docket No. 36.) On September 8, 2015, Defendant Metropolitan Government of Nashville and Davidson County (“Metro”) moved to dismiss all of Plaintiff’s non-dental claims in this case,¹ arguing that Plaintiff failed to allege any municipal liability claim against Metro. On October 1, 2015, Defendants Debra Dixon, Beth Gentry, Tim Hindsley, Charles Hope, Brandi Moore, and Beatrice Aluoch moved to dismiss all of Plaintiff’s claims against them. (Docket No. 74.) Plaintiff filed a response to the Motions to Dismiss on October 19, 2015. (Docket No. 103.)

On December 11, 2015, the Magistrate Judge entered an R & R on Defendants’ Motions. The R & R recommended that (1) Metro’s Partial Motion to Dismiss be granted; (2) Defendant Moore’s Motion to Dismiss be granted; and (3) Defendants Dixon, Gentry, Hindsley, Hope, and Aluoch’s Motion to Dismiss be granted as to the claims against them in their official capacities

¹ Plaintiff’s municipal liability claim arose out of dental injuries that he suffered while in custody. Metro has filed an Answer to these claims. (Docket No. 99.)

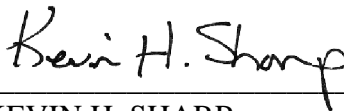
and denied as to the claims against them in their individual capacities. Neither party has objected to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” FED. R. CIV. P. 72(b).

Having conducted a *de novo* review in accordance with Rule 72, the Court will accept the disposition set forth in the R & R. Accordingly, the Court rules as follows:

- (1) The R & R (Docket No. 111) is hereby ACCEPTED and APPROVED;
- (2) Defendant Metro’s Partial Motion to Dismiss for Failure to State a Claim (Docket No. 97) is GRANTED;
- (3) Defendant Moore’s Motion to Dismiss for Failure to State a Claim (Docket No. 74) is GRANTED;
- (4)Defendants Deborah Dixon, Beth Gentry, Tim Hindsley, Charles Hope, and Beatrice Aluoch’s Motion to Dismiss for Failure to State a Claim (Docket No. 74) is GRANTED as to the claims against them in their official capacities, but DENIED as to the claims against them in their individual capacities.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE